

40 **New Business**

41
42 ***Item # 1 Special Use Permit (Special Event), UDO 2007-08-15, Ted and Brenda Nash***

43
44 Staff presented the finding of facts (see below) and asks for approval with conditions and
45 modifications stated in the finding of facts.
46

47 -----
48
49 **Findings of Facts**
50 **Special Use Permit**
51 **UDO 2007-08-15**
52 **Special Event**
53

- 54 **1. Name of Applicant:** Ted & Brenda Nash
55 **2. Agent for Applicant:**
56 **3. Address of Agent:** 918 North Highway 343
57 South Mills, NC 27976
58 **4. PIN:** 01-8907-00-25-3820
59 **5. Name(s) of Current Owner(s) of Record:** Ted & Brenda Nash
60 **6. Street Address of Property:** 947 North Highway 343
61 **7. Location of Property:** South Mills Township
62 **8. Flood Zone:** X/AE
63 **9. Zoning District(s):** General Use District (GUD)
64 **10. Is a Zoning Change Required for the Proposed Use?** No
65 **11. General Description of the Proposal:** Special Event - Auctions
66 **12. Date Application Received by County:** August 20, 2007
67 **13. Did the Applicant participate in a pre-application Conference?** Yes
68 **14. Received by:** Dave Parks, Permit Officer
69 **15. Application fee paid:** \$400.00 by check # 5893
70 **16. Completeness of Application:** Application is generally complete.
71 **17. Documents received upon filing application or otherwise included:**
72 A. Land Use/Development Application
73 B. Deed
74 C. GIS Map
75 D. Proposed Site Plan
76 **18. Adjacent Property Uses:**
77 A. **Predominant:** Farm Land
78 B. **Other:** Some Residential
79 **19. Existing Land Uses:** Old house - Vacant
80 **20. Lots:**
81 A. Lot size: Approximately 10 acres.
82 **21. Utilities:**
83 A. **Does the application include a letter or certificate from the District Health**
84 **Department regarding septic tanks?** No.
85 B. **Does the applicant propose the use of public sewage systems?** No.

- C. Does the applicant propose the use of public water systems?** No.
D. Distance from existing public water supply system: Adjacent to property.
E. Is the area within a five-year proposal for the provision of public water? N/A
F. Is the area within a five-year proposal for the provision of public sewage?
No.

22. Landscaping:

- A. Is any buffer required?** No.
B. Will trees be required along dedicated streets UDO Article 151.156? N/A

23. Findings Regarding Additional Requirements:

- A. Endangering the public health and safety:** No.
B. Injure the value of adjoining or abutting property: The application does not appear to injure the value of adjoining or abutting property.
C. Harmony with the area in which it is located: Yes, as there is limited residential near the property.
D. Conformity with the Plans:
1. Land Use Plan:
2. Thoroughfare Plan: Property abuts North Highway 343.
3. Other plans officially adopted by the Board of Commissioners:
None
E. Will not exceed the county's ability to provide public facilities:
1. Schools: Proposed use will have no impact on schools.
2. Fire and Rescue: No.
3. Law Enforcement: No.
Other County Facilities: None.
F. Other: None.

Staff recommends approval with the following conditions and modifications:

1. The applicant must strictly abide by all requirements of the Unified Development Ordinance of Camden County, North Carolina, and must also strictly comply with all other local, state, and federal ordinances, laws, rules and regulations as one or more ordinances, laws, rules and regulations may apply to this development.
 2. The applicant shall complete the development strictly in accordance with the plans approved by the Board of Commissioners of Camden County, North Carolina, and contained in the file titled UDO 2007-08-15.
 3. Applicant limited to two (2) auctions a month on property.
 4. Applicant shall provide minimum of two porta johns at each event.
 5. On site advertising shall be limited to two weeks prior to event.
 6. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this approval in its entirety shall be void and have no effect.
-

Discussion: Member Terri Griffin asked how many auctions would be held per month. Mrs. Nash responded only up to 2 per month. Chairman Burnham inquired about parking. Mr. Nash responded that he had parking allocated on the back side of his property. Vice Chairman Rodney Needham inquired about any additional buildings or storage that might be required. Mr. and Mrs. Nash responded that items are in storage for up to 2 weeks in storage units which they have. Mr. Needham asked about signage. Mr. Nash responded that he has mobile signs that would be used when needed then rolled away and stored when not in use. Member Terri Griffin inquired about the hours of the auction house. Mrs. Nash responded that the hours would be from 10 or 10:30 until 3 or 3:30 on the auction day.

Vice Chairman Rodney Needham made a motion to approve Special Use Permit, UDO 2007-08-15, Ted and Brenda Nash, with the conditions and modifications recommended by staff. Member John Aydlett 2nd the motion. The motion was approved with Chairman James Burnham, Vice Chairman Rodney Needham, Terri Griffin, Ray Albertson, and John Aydlett voting aye; none voting no; 2 absent; none not voting. By a vote of 5-0, Special Use Permit, UDO 2007-08-15, Ted and Brenda Nash, was approved.

Item # 2 Rezoning Request, UDO 2007-07-30, Tracy Swain

Staff presented the finding of facts (see below) and asks for approval with conditions and modifications stated in the finding of facts.

Findings of Facts

**UDO 2007-07-30
Minor Map Amendment
Tracy Swain**

- 1. Name of Applicant:** Tracy Swain
- 2. Agent for Applicant:** Hyman & Robey, PC
- 3. Address of Applicant:** 149 Lily Road
South Mills, NC 27976
- 4. PIN:** 01-7979-00-94-5653
- 5. File Reference:** UDO 2007-07-30
- 6. Name(s) of Current Owner(s) of Record:** Swain & Temple Inc.
- 7. Street Address of Property:** Horseshoe Road (Not addressed)
- 8. Location of Property:** South Mills Township adjacent to 214 Horseshoe Road
- 9. Flood Zone:** AE
- 10. Zoning District(s):** General Use District (GUD)
- 11. General Description of the Proposal:** Request rezone property from General Use District (GUD) to Basic Residential (R-3-1)
- 12. Date Application Received by County:** July 26, 2007

174 **13. Received by:** David Parks, Permit Officer

175 **14. Application fee paid:** \$480.00 Cash

176 **15. Completeness of Application:** Application is complete.

177 **16. Documents received upon filing of application or otherwise included:**

178 E. Rezoning Application

179 F. GIS Ariel Map

180 G. Tax Card

181 H. Letter authorizing Hyman & Robey to act as agent

182 **17. Soil Classifications:**

183 A. **Predominant:** Tomotley (ToA) Severe wetness, percs slowly

184 B. **Other:** Chowan (CoA) Severe flooding, wetness, percs slowly

185 **18. Adjacent Property Uses:**

186 A. Predominant: Agriculture

187 B. Other: Residential

188 **19. Existing Land Uses:** Vacant Parcel

189 **20. Lot size:** Approximately 11 acres.

190 **21. Findings Regarding Additional Requirements:**

191 G. How will the proposed zoning change enhance the public health, safety or
192 welfare? The proposed zoning change will only benefit the owner.

193 H. Is the entire range of permitted uses in the requested classification more
194 appropriate than the range of uses in the existing classification? The entire range
195 of permitted uses in the existing zoning classification are more appropriate at this
196 time.

197 I. For proposals to re-zone to non-residential districts along major arterial roads:

198 N/A

199 (1) Is this an expansion of an adjacent zoning district of the same classification?

200 (2) What extraordinary showing of public need or demand is met by this
201 application?

202 J. Conformity with the Plans:

203 (1) Land Use Plan – Staff’s opinion is that the requested rezoning request is not
204 consistent with the Land Use Plan. Opinion based on consideration of
205 attached guidelines and land suitability/flood maps of the property.

206 (2) Other Plans officially adopted by the Board of Commissioners. None

207
208 **Staff recommends denial as the requested zoning change is not consistent with the Land Use Plan.**
209
210 -----

211
212 Mr. Parks notified the board that staff was recommending denial as the requested zoning
213 change is not consistent with the Land Use Plan. Mr. Eddie Hyman, of Hyman and
214 Robey, was present representing Tracy Swain. Mr. Hyman indicated that there were
215 residential zones very near the land in question. Mr. Hyman also noted that the property
216 was on the edge of the South Mills core area. As such, this rezoning would be
217 compatible with the Smart Growth concept of gradually stepping down density.

Mr. Swain wants to rezone to residential and divide his land into 3 lots. Member Terri Griffin voiced a concern that if this were approved, the board would be doing what she termed 'creating spot zones'.

After further discussion and consideration, a motion to deny Rezoning Request, UDO 2007-07-30, Tracy Swain, was made by Chairman James Burnham. The motion was 2nd by Terri Griffin. The motion was passed with Chairman James Burnham, Vice Chairman Rodney Needham, Terri Griffin, Ray Albertson, and John Aydlett voting aye; none voting no; 2 absent; none not voting. By a vote of 5-0, Rezoning Request, UDO 2007-07-30, Tracy Swain, was denied.

Item #3 Special Use Permit (Home Occupation), UDO 2007-08-09, Zackery Gravely

Staff presented the finding of facts (see below) and asks for approval with conditions and modifications stated in the finding of facts.

**Findings of Fact
UDO 2007-08-09
Special Use Permit
Zackery Gravely**

- 1. Name of Applicant:** Zackery Gravely
- 2. Agent for Applicant:** None
- 3. Address of Applicant:** 151 Chamberlain Rd, South Mills, NC 27976
- 4. File Reference:** UDO 2007-08-09
- 5. PIN:** 01-7998-00-79-9760
- 6. Street Address of Property:** 151 Chamberlain Rd, South Mills NC 27976
- 7. Deed Book/Page:** Book page
- 8. Location of Property:** South Mills Township
- 9. Flood Zone:** X
- 10. Zoning District(s):** R3-1
- 11. Is a Zoning Change required for the Proposed Use?** No
- 12. General Description of the Proposal:** Home Based Business – Home as Office for Asunder Inc. (Marking underground utilities)
- 13. Use Classification:** Article 151.334 (Use # 1.700) Home Occupations
- 14. Date Application Received by County:** August 13, 2007
- 15. Received by:** Dave Parks, Permit Officer
- 16. Application Fee Paid:** \$400.00 by check #2769
- 17. Completeness of Application:** Application appears to be complete.
- A. Items Needed:** None
- 18. Proposal to be completed in phases:** No

262 **19. Documents Received Upon Filing Application or otherwise included:**

- 263 A. Land Use Application
264 B. GIS aerial photo of property
265 C. Deed
266 D. **Adjacent Property Use:** Residential

267 **20. Existing Land Use:** Residential

268 **21. Lot size:** 1 Acre

269 **22. Utilities:** None.

270 **23. Landscaping**

- 271 A. Is any buffer required? No.
272 B. Is any landscaping described in application: N/A

273 **24. Findings Regarding Additional Requirements**

- 274 A. Endangering the public health and safety: Staff feels that there is no threat to
275 public health and safety as house will be utilized as address for office.
276 B. Injure the value of adjoining or abutting property: Staff feels that this would have
277 no affect on adjoining or abutting property.
278 C. Harmony with the area in which it is located: Home Occupations are a permitted
279 use in R-3 Zoning.
280 D. Conformity with the Plans
281 (1). Land Use Plan – Yes.
282 (2). Thoroughfare Plan – N/A
283 (3). Other Plans officially adopted by the Board of Commissioners – N/A
284 E. Will not exceed the county's ability to provide public facilities
285 (1). Schools – No
286 (2). Fire and rescue – No
287 (3). Law Enforcement – No
288 F. Other County Facilities – No
289

290 **Staff recommends approval with the following conditions:**

- 291
292 1. The applicant must strictly abide by all requirements of the Unified Development
293 Ordinance of Camden County, North Carolina, and must also strictly comply with all
294 other local, state, and federal ordinances, laws, rules and regulations as one or more
295 ordinances, laws, rules and regulations may apply to this development.
296 2. The applicant shall complete the development strictly in accordance with the plans
297 submitted to the Planning Office of Camden County, North Carolina, and contained
298 in the file titled UDO 2007-08-09.
299 3. There shall be no advertising signs posted on the property.
300 4. There shall be no visual evidence of a business on the property other than advertising
301 on one vehicle.
302 5. If any of the conditions affixed hereto or any part thereof shall be held invalid or
303 void, then this special use permit shall be voided and have no effect.
304
305
-

Mr. Zackery Gravely is conducting a business providing services for locating underground utilities. All services are provided off site, the land use in question is used as a home office and mailing address for his business only. John Aydlett asked what kind of equipment was used to locate underground utilities, and if that equipment would be parked outside of Mr. Gravely's residence. Mr. Gravely informed Mr. Aydlett that the equipment consisted of mostly radio equipment, transmitter and receiver, and can be stored in the trunk of a car.

No big equipment will be stored outside of Mr. Gravely's residence. Vice Chairman Rodney Needham asked if this business was similar to 'Call Before You Dig' program. Mr. Gravely responded that it was, and that his primary customers right now consist of military bases that have private utilities. Terri Griffin asked staff why this business needed a special use permit. Dan answered that Camden County does not have business licenses, and that any home occupation requires a special use permit. So anytime anyone needs documentation associated with business licenses or permits, then they apply for a business permit, which is a special use permit. Until such time as the Board of Commissioners approves a change to the Table of Permissible Uses to allow home occupations to be a zoning permit in all zones, a special use permit and public hearing process will be required.

After further discussion and consideration, a motion to approve Special Use Permit (Home Occupation), UDO 2007-08-09, Zackery Gravely, was made by member Ray Albertson. The motion was 2nd by Terri Griffin. The motion was approved with Chairman James Burnham, Vice Chairman Rodney Needham, Terri Griffin, Ray Albertson, and John Aydlett voting aye; none voting no; 2 absent; none not voting. By a vote of 5-0, Special Use Permit (Home Occupation), UDO 2007-08-09, Zackery Gravely, was approved.

Item # 4 Rezoning Request, UDO 2007-09-21, Camden County

Staff presented the finding of facts (see below) and asks for approval with recommendations stated in the finding of facts.

Findings of Facts

**UDO 2007-09-21
Major Zoning Change Application
Camden County**

- 1. Name of Applicant:** Camden County
- 2. Agent for Applicant:** Planning Department

- 351 **3. Address of Applicant:** 117 N. Hwy 343, P.O. Box 190
352 Camden, NC 27921
- 353 **4. PIN:** 01-7071-00-67-6843
- 354 **5. File Reference:** UDO 2007-09-21
- 355 **6. Name(s) of Current Owner(s) of Record:** Camden County
- 356 **7. Street Address of Property:** Not addressed
- 357 **8. Location of Property:** Off Mcpherson Road, South Mills Township
- 358 **9. Flood Zone:** X
- 359 **10. Zoning District(s):** Basic Residential (R3-2)
- 360 **11. Is a Zoning Change Required for the Proposed Use?** Yes.
- 361 **12. General Description of the Proposal:** Rezone approximately 360 acres from Basic
362 Residential (R3-2) to approximately 50 acres Highway Commercial (HC) and
363 approximately 316 acres to General Use District (GUD)
- 364 **13. Date Application Received by County:** September 17, 2007
- 365 **14. Received by:** David Parks, Permit Officer
- 366 **15. Application fee paid:** waived.
- 367 **16. Completeness of Application:** Application is complete.
- 368 **17. Documents received upon filing of application or otherwise included:**
- 369 A. Rezoning Application
- 370 B. Deed
- 371 C. GIS Map
- 372 D. Current zoning map
- 373 E. Proposed zoning map
- 374 F. Adjacent property owner
- 375 **18. Soil Classifications:**
- 376 A. **Predominant:** Toa (Tomotley)-- Severe wetness; percs slowly
- 377 B. **Other:** Ata (Augusta) -- Severe wetness
- 378 **19. Adjacent Property Uses:**
- 379 A. Predominant: Agriculture
- 380 B. Other: Residential
- 381 **20. Existing Land Uses:** Spray field for Sewer and Agriculture
- 382 **21. Lot size:** approx 366 acres
- 383 **22. Findings Regarding Additional Requirements:**
- 384 A. How will the proposed change enhance the public health, safety or welfare?:
385 The proposed change will enhance the public health and welfare by providing area for
386 infra-structure and commercial use.
- 387 B. Is the entire range of permitted uses in the requested classification more
388 appropriate than the range of uses in the existing classification?: The
389 requested zoning classification is more appropriate for this area.
- 390 C. For proposals to re-zone to non-residential districts along major arterial
391 roads:
- 392 (1) Is this an expansion of an adjacent zoning district of the same
393 classification?:
- 394 The 50 acres of HC is an expansion of an adjacent zoning of the same
395 classification.

(2) What extraordinary showing of public need or demand is met by this application?

The need for commercial.

D. Conformity with the Plans:

(1) Land Use Plan — Yes. In accordance with Policies P.17 and P21 regarding Commercial/Industrial, the county supports commercial development at the intersections of major roads (i.e. in a nodal fashion) and in areas that are already similarly developed. In accordance with Policy 32, Camden County supports providing adequate community services and facilities which meet the needs of Camden County's citizens, businesses, and industries. Land Suitability Map reflects area for high growth.

(2) Thoroughfare Plan — Property abuts Highway 17 North.

(3) Other Plans officially adopted by the Board of Commissioners — None

E. Will not exceed the county's ability to provide public facilities:

(1) Schools — No.

(2) Fire and Rescue -- No.

(3) Law Enforcement -- No.

(4) Other County Facilities –

Recommendations

Staff recommends approval to rezone property to Highway Commercial (HC) and General Use District as indicated on proposed zoning amendment map as it is consistent with the Land Use Plan.

Staff asked for rezoning to allow telemetry tower to be placed on that property. Special Use Permit to follow. Staff wanted to ensure the county was abiding by it's own laws. The 50 acre for highway commercial is a marketable piece of land, current zoning will not be able to market it as well as the proposed zoning.

After considerable discussion and consideration, member Terri Griffin made a motion to approve Rezoning Request, UDO 2007-09-21, Camden County. Member Ray Albertson 2nd the motion. The motion was approved with Chairman James Burnham, Vice Chairman Rodney Needham, Terri Griffin, Ray Albertson, and John Aydlett voting aye; none voting no; 2 absent; none not voting. By a vote of 5-0, Rezoning Request, UDO 2007-09-21, Camden County, was approved.

Item #5 Special Use Permit, UDO 2007-09-20, Camden County

Staff presented the finding of facts (see below) and asks for approval with conditions and modifications stated in the finding of facts.

**Special Use Permit
UDO 2007-09-20
Camden County**

- 1. Name of Applicant:** Camden County
- 2. Agent for Applicant:** Planning Department
- 3. Address of Applicant:** P.O. Box 190, Camden, NC 27921
- 4. File Reference:** UDO 2007-09-20
- 5. PIN:** 01-7071-00-67-6843, 01-7989-00-49-3600, 02-8935-03-42-5651
- 6. Street Address of Property:** 151 U.S. 158 E., 129 Keeter Barn Road, off Mcpherson Road.
- 8. Location of Property:** South Mills Township and Courthouse Township
- 9. Flood Zone:** X
- 10. Zoning District(s):** General Use District and Highway Commercial
- 11. Is a Zoning Change required for the Proposed Use?** No
- 12. General Description of the Proposal:** Universal Towers for Sewer infrastructure (40 feet in height)
- 13. Use Classification:** Article 151.334 (Use # 18.300)
- 14. Date Application Received by County:** September 17, 2007
- 15. Received by:** David Parks, Permit Officer
- 16. Application Fee Paid:** Waived
- 17. Completeness of Application:** Application appears to be complete.
 - A. Items Needed:** None
- 18. Proposal to be completed in phases:** No
- 19. Documents Received Upon Filing Application or otherwise included:**
 - A.** Land Use Application
 - B.** Sight Plan for each location
 - C.** Utility Easement and/or Right-of-Way Agreement for 151 U.S. 158 E.
 - D.** Tower Plans
- 20. Adjacent Property Use:** Varies from residential to commercial to agriculture
- 21. Existing Land Use:** Spray Field, Sewer Plant, Day Care Center
- 22. Lot size:** Varies — 360 acres, 12 acres, and 1 acre
- 23. Utilities:** None.
- 24. Landscaping**
 - A.** Is any buffer required? Type A landscaping
 - B.** Is any landscaping described in application: No.
- 25. Findings Regarding Additional Requirements**

- 481 A. Endangering the public health and safety: Staff feels that there is no threat
482 to public health and safety.
- 483 B. Injure the value of adjoining or abutting property: Staff feels that this
484 would have no affect on adjoining or abutting property.
- 485 C. Harmony with the area in which it is located: Yes, proposed use is in
486 harmony with the area.
- 487 D. Conformity with the Plans
488 (1). Land Use Plan — Yes.
489 (2). Thoroughfare Plan — County has no adopted thoroughfare plan.
490 (3). Other Plans officially adopted by the Board of Commissioners — NIA
- 491 E. Will not exceed the county's ability to provide public facilities
492 (1). Schools — No
493 (2). Fire and rescue — No
494 (3). Law Enforcement — No
- 495 F. Other County Facilities — No

496
497 **Staff recommends approval with the following conditions:**
498

- 499 1. The applicant must strictly abide by all requirements of the Unified Development
500 Ordinance of Camden County, North Carolina, and must also strictly comply with
501 all other local, state, and federal ordinances, laws, rules and regulations as one or
502 more ordinances, laws, rules and regulations may apply to this development.
- 503 2. The applicant shall complete the development strictly in accordance with the
504 plans submitted to the Planning Office of Camden County, North Carolina,
505 and contained in the file titled UDO 2007-09-20.
- 506 3. In accordance with Article 151.139 type A landscaping required for proposed
507 site at 151 U.S. 158 East.
- 508 4. If any of the conditions affixed hereto or any part thereof shall be held
509 invalid or void, then this special use permit shall be voided and have no
510 effect.

511 -----
512
513 Special Use Permit is for the telemetry tower for sewer infrastructure, to be placed on the
514 property where the spray field is located.
515

516 After considerable discussion and consideration, Chairman James Burnham made a
517 motion to approve Special Use Permit, UDO 2007-09-20, Camden County. Vice
518 Chairman Rodney Needham 2nd the motion. The motion was approved with Chairman
519 James Burnham, Vice Chairman Rodney Needham, Terri Griffin, Ray Albertson, and
520 John Aydlett voting aye; none voting no; 2 absent; none not voting. By a vote of 5-0,
521 Special Use Permit, UDO 2007-09-20, Camden County, was approved.

522 **Information from Board and Staff**

- 523
- 524 1. Economic Development Committee – Volunteers requested.

525

526 Chairman Burnham appointed Terri Griffin and Rodney Needham to serve

527 on the Economic Development Committee.

- 528
- 529 2. A copy of the minutes from the joint meeting with the Board of Commissioners was
- 530 included in the planning board packet for this month.

- 531
- 532 3. Staff discussed Major Subdivision application processing with the board.

533

534 **Consider Date of Next Meeting – October 17, 2007**

535

536

537 **Adjournment**

538

539 At 8:39 PM, Vice Chairman Rodney Needham made a motion to adjourn the meeting.

540 Member John Aydlett seconded the motion. The motion was approved with Chairman

541 James Burnham, Vice Chairman Rodney Needham, Terri Griffin, Ray Albertson, and

542 John Aydlett voting aye; none voting no; 2 absent; none not voting.

543

544

545

546 Date: _____

547

548

549 Approved: _____

550 Chairman James Burnham

551

552

553 Attested: _____